

REMARKS

This Amendment cancels claim 4 and amends claims 1, 2, 11, 13, and 18 in accordance with the original disclosure. Support for the claim amendments is found, for example, in Figs. 3 and 4 and in the specification at paragraphs 0027 and 0028. Claims 1-3, 5-8, 10-15, and 18 remain in this application.

Claim Rejections

Claims 1-8, 11, 12, 15, and 18 stand rejected under 35 U.S.C. § 103(a) for obviousness over U.S. Patent No. 5,152,658 to Martin in view of DE 198 49 770 (hereinafter "DE '770"). Claim 10 stands rejected for obviousness over Martin and DE '770 in further view of U.S. Patent No. 5,387,004 to Engel. Claims 13 and 14 stand rejected for obviousness over Martin and DE '770 in further view of U.S. Patent No. 4,012,071 to Jones et al. or U.S. Patent No. 6,427,795 to Johnson et al. In view of the above amendments and remarks, reconsideration of these rejections is respectfully requested.

Claim 1, as amended, is directed to a fork lift truck comprising a vehicle frame and a lifting mechanism. A front axle has an axle body connected to the vehicle frame by at least one elastic bearing. The elastic bearing comprises a fastening body connected to the vehicle frame and an elastic damping element connected to the fastening body and contacting the axle body. The lifting mechanism is connected with the axle body by a rigid connecting element. The rigid connecting element comprises a plurality of borings such that the position of the lifting mechanism is adjustable with respect to the axle body.

Martin discloses a lift truck having a mast 8 connected to a drive axle 4 by two arms 18. While the Examiner notes that Martin does not disclose providing an elastic bearing mount between the axle body and the vehicle frame, the Examiner relies upon DE '770 for this limitation. However, DE '770 teaches a lift truck in which an axle body is elastically connected to a vehicle frame by a plurality of elastomeric damping elements. Thus, while Martin teaches only rigid connecting elements and DE '770 teaches utilizing only elastic bearing elements, there is no teaching or suggestion to combine these two different bearing element systems. However, in order to further differentiate the claimed invention from the cited references, Applicant has amended claim 1 to further define the bearing structure. Specifically, the lift truck in claim 1 has the axle body connected to the vehicle frame by an

elastic bearing comprising a fastening body connected to the vehicle frame and an elastic damping element connected to the vehicle frame and contacting the axle body. Additionally, the lifting mechanism is connected with the axle body by a rigid connecting element comprising a plurality of borings, such that the position of the lifting mechanism is adjustable with respect to the axle body. These limitations are neither taught nor suggested in the Martin and DE '770 combination. Therefore, claim 1, as amended, is believed patentable over the cited prior art and in condition for allowance. Reconsideration of these rejections is respectfully requested.

Claims 3, 5-8, 11, 12, 15, and 18 depend from, and add further limitations to, claim 1. Since these claims depend from a claim believed to be in condition for allowance, these claims are also believed to be in condition for allowance.

Claim 10 depends from claim 1 and stands rejected on the basis of Martin and DE '770 in view of Engel. Martin and DE '770 have been discussed above. The Examiner relies upon Engel for disclosing a wheel suspension body housing 52 that can be made of gray cast iron. However, Engel does not overcome the shortcomings of the Martin and DE '770 combination described above. Therefore, since claim 10 depends from claim 1, claim 10 is believed allowable for substantially the same reasons as claim 1.

Claims 13 and 14 depend from claim 1 and stand rejected on the basis of Martin and DE '770 in view of Jones or Johnson. Martin and DE '770 have been discussed above. The Examiner relies upon Jones for disclosing a cab mounted to a vehicle using elastomeric damping elements. The Examiner relies upon Johnson for also showing a cab mounted using elastomeric damping elements. However, neither Jones nor Johnson, either alone or in combination, overcomes the shortcomings of the Martin and DE '770 combination discussed above. Therefore, claims 13 and 14 are believed allowable for substantially the same reasons as discussed above with respect to claim 1.

Application No. 10/649,503
Paper Dated: August 29, 2005
In Reply to USPTO Correspondence of June 7, 2005
Attorney Docket No. 964-031254

Conclusion

In view of the above amendments and remarks, reconsideration of the rejections and allowance of claims 1-3, 5-8, 10-15, and 18 are respectfully requested.

Respectfully submitted,

THE WEBB LAW FIRM

By



William H. Logsdon
Registration No. 22,132
Attorney for Applicant
700 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219-1818
Telephone: (412) 471-8815
Facsimile: (412) 471-4094
E-mail: webblaw@webblaw.com